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(NE)

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Daniel J. CAPON et al.

Application No: 08/238,405 Group Art Unit: 1812

Filed: 5 May 1994

Examiner: M. Allen

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JAN 27 1997

For: CHIMERIC CHAINS FOR
RECEPTOR-ASSOCIATED SIGNAL
TRANSDUCTION PATHWAYS

GROUP 1800

TERMINAL DISCLAIMERAssistant Commissioner of Patents
Washington, D.C. 20231

Sir:

The undersigned, acting on behalf of Petitioners, CELL GENESYS, INCORPORATED and THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, represent that they are the owners of the entire right, title and interest of U.S. Application No. 07/988,194 filed 9 December 1992 for CHIMERIC CHAINS FOR RECEPTOR-ASSOCIATED SIGNAL TRANSDUCTION PATHWAYS by virtue of Assignments from all of the inventors thereof executed on 26 January 1993, 1 February 1993 and 2 February 1993, recorded on 18 March 1993 at Reel 6525, Frames 0126-0127 and 0129-0130, now issued as U.S. Patent No. 5,359,046, as well as the entire right, title and interest in the above-captioned U.S. Application No. 08/238,405 by virtue of Assignments from all of the inventors thereof executed on 22 July 1994, 25 July 1994 and 25 August 1994, recorded on 9 September 1994 at Reel 7219, Frames 0162, 0164 and 0166-0167.

Petitioners hereby certify that ^{200 JN 01/27/97 08238405} _{1 148} the above-mentioned
Assignments have been reviewed and to the best of the knowledge and ^{110.00 CK}

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belief of Petitioners, title is in Petitioners who are seeking to take the instant action.

The undersigned whose signatures and titles appear below are empowered to act on behalf of Petitioners.

Petitioners hereby disclaim the terminal part of any patent granted on the above-captioned U.S. Application No. 08/238,405 which would extend beyond the expiration of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. 5,359,046, and hereby agrees that any patent so granted on the above-captioned U.S. Application No. 08/238,405 shall be enforceable only for and during such period that the legal title to U.S. Patent No. 5,359,046 shall be the same as the legal title to said patent issuing from the above-identified U.S. Application No. 08/238,405, this agreement to run with any patent granted on the above-captioned U.S. Application No. 08/238,405 and to be binding on the grantee, its successors or assigns.

Petitioners do not disclaim any terminal part of any patent granted on the above-captioned U.S. Application No. 08/238,405 prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. 5,359,046 in the event that said U.S. Patent No. 5,359,046 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is disclaimed statutorily in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims

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cancelled by a reexamination certificate or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further, that the statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Date: _____ By: _____
(Name)
(Title)
CELL GENESYS, INCORPORATED

Date: _____ By: _____
(Name)
(Title)
**THE REGENTS OF THE
UNIVERSITY OF CALIFORNIA**